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19/IPS
8/89/04

In the United States Patent & Trademark Office

In re Patent of
Joe B. Kennedy et al.
Patent No: 5,884,682
Issued: March 23, 1999
For: Position-Based Integrated Motion Controlled Curve Sawing

April 12, 2004

04/14/2004 EFLDRES 00000053 5884682

01 FC:1806

180.00 OP

SUBMISSION OF PRIOR ART UNDER 37 CFR 1.501

Hon. Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop Ex Parte Reexam
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202
USA

Hon. Commissioner:

The undersigned herewith submits in the above identified patent the following prior art, including copies thereof, which is pertinent and applicable to the Kennedy et al. patent and is believed to have a bearing on the patentability of claims 1-72 thereof:

Prior Publications:

The Kubik Publication, 1971

"The Application of Piecewise Polynomials to Problems of Curve and Surface Approximation", Nr. 12, by Dr. Kurt Kubik, Published by Rijkswaterstaat Communications, Directie Waterhuishouding En Waterbeweging, The Hague, Netherlands, 1971. This document was obtained from the Engineering Library of the University of New Brunswick, Canada.

The introduction (page 5) teaches that a curve made using a polynomial can be adjusted according to imposed conditions such a desired slope of the curve or the curvature of the curve. From pages 7-22, the document proposes some methods for the interpolation of smooth curves, using constraints such as the angular inclination of the curve and/or the curvature and/or the change of curvature. On page 18, the document also suggests the smoothing and adjustment of curves using a computer. Line 17, page 18 teaches that the designer may impose curve constraints when computing the curve.

The Lancaster Publication, 1986

"Curve and Surface Fitting, An Introduction", by Peter Lancaster and Kestutis Salkauskas. Published by Academic Press, Toronto, 1986. This document was obtained from the Engineering Library of the University of New Brunswick, Canada.

This document discloses at page 21, first paragraph; "In any study of curve/or surface fitting there is one class of functions that plays a supremely important role. This is the class of polynomial functions." The polynomial function is illustrated as equation (1.6) on that page. This equation is essentially the same as the one in US 5,884,682.

Chapter 2 teaches polynomial interpolation to obtain smooth curves with different shapes. Chapter 3 teaches Interpolation with Piecewise Polynomial Functions. The teaching in this chapter is clear that one can select different slopes in the interpolation (page 81). Chapter 4 also teaches a method to adjust the smoothness and slope parameters (page 89).

It is believed that this document has bearing on the patentability of claims 2, 12 and 21 of the Kennedy et al. patent.

The Zeid Publication, 1991

"CAD/CAM Theory and Practice", by Ibrahim Zeid, published by McGraw-Hill, 1991. This document was obtained from the Engineering Library of the University of New Brunswick, Canada.

This manual teaches in Chapter 5, two methods to control the shape of curves; the Bezier Curve Technique and the B-Spline Curve technique.

-On page 212, it is taught that synthetic curves represent a curve-fitting problem to construct a smooth curve that passes through given data points. Therefore, polynomials are the typical form of these curves.

- On page 717-718, it is taught that a user can write a program to generate a curve automatically from geometric data.

- On pages 740-741, an example is provided on how to create a curve with limitations of curvatures.

- On pages 1011-1024, it is taught that the tool path is modified according to the constraints of the machine, the cutting tool in this case.

It is believed that this document has bearing on the patentability of claims 1-43 and 52-72 of the Kennedy et al. patent.

The Gerald Publication, 1994.

"Applied Numerical Analysis", fifth Edition, by Curtis F. Gerald and Patrick O., Wheatley, published by Addison-Wesley Publishing Company, Don Mills, Ontario, 1994. This document was obtained from the Engineering Library of the University of New Brunswick, Canada.

Chapter 3 teaches the interpolation of polynomials, curve fitting and curve adjustment. This manual was used in 1997 by third year Engineering Students at the University of New Brunswick, in a course entitled "Introduction to Numerical Methods" (CE 3933).

The Hards Publication, 1989

"Curve Sawing", by John Hards; an article presented in the Canada/BC Forest Resource Development Agreement, Report 102 entitled : Advances in Sawmill Technology, dated October 1989. This document was obtained from the Science Library of the University of New Brunswick, Canada.

This document discloses from the bottom of page 122, that the arc of the curve in curve sawing should fit into the clearance between the teeth and the saw blade as illustrated in Figure 2.

It is believed that this document has bearing on the patentability of claims 1-43 and 52-72 of the Kennedy et al. patent.

GB 2,068,294 published on Aug. 12, 1980 and issued to P. **Strandberg** on Feb. 5, 1980. This document discloses an apparatus to guide a workpiece between a pair of chipping heads. The document discloses the use of photocells, encoders and polynomials to generate optimized curves.

It is believed that this document has bearing on the patentability of claims 1-30, 32, 34, 36, 38, 40 and 52-72 of the Kennedy et al. patent.

US 3,736,968 issued to H.C. **Mason** on June 5, 1973.

This document discloses the use of chipping heads to remove flares and bulges on a workpiece prior to sawing.

It is believed that this document has bearing on the patentability of claim 29 of the Kennedy et al. patent.

US 3,886,372 issued to B. **Sanglert** on May 27, 1975.

This document discloses a scanner and a positioning table to position a wood board relative to a pair of saws that are also adjustable relative to the board.

It is believed that this document has bearing on the patentability of claims 1-47 and 52-72 of the Kennedy et al. patent.

US 3,890,509 issued to C.W. **Maxey** on June 17, 1975.

This document also discloses a scanner and a positioning table and a pair of chipper heads. The positioning table and the chipper heads are adjustable relative to each other.

US 4,086,496 issued to L.B. **Berry** on April 25, 1978.

This document also discloses a scanner and a positioning table and a pair of saws. The positioning table and the saws are adjustable relative to each other.

US 4,188,544 issued to L.H. **Chasson** on Feb. 12, 1980

This document discloses a pair of guided saws on a common arbor (Fig. 8) to follow an optimized tool path on a scanned board.

US 4,228,351 issued to S.G. **Snow et al.** on October 14, 1980.

This document discloses an X-ray machine and method for measuring the density of various materials.

It is believed that this document has bearing on the patentability of claims 5, 8, 16, 19, 28, 40, 43 and 66 of the Kennedy et al. patent.

US 4,263,949 issued to E.M. **Kivimaa** on April 28, 1981.

This document discloses a chipping head and the importance of feed speed and the rpm of a chipping head to control chip quality.

It is believed that this document has bearing on the patentability of claims 8, 19, 28, and 43 of the Kennedy et al. patent.

US 4,475,422 issued to K.T. **Lawson** on October 9, 1984.

This document discloses a computer-controlled machine having a pair of cutting tools mounted of a base that is movable sideways and angularly for following a curve

It is believed that this document has bearing on the patentability of claims 10-20, 26, 45, 53 and 57 of the Kennedy et al. patent.

US 4,485,861 issued to **P. Nilsson et al.** on December 4, 1984.

This document discloses a machine having a pair of chipping heads upstream of a pair of bandsaws. The chipping heads and the band saws are mounted on adjustable bases. The document also discloses the use of photo cells to detect the movement of a workpiece and anvils to guide the workpiece.

It is believed that this document has bearing on the patentability of claims 7, 13, 18, 25, 27, 42, 47, 48-51, 55, 57, 59, and 68 of the Kennedy et al. patent.

US 4,702,134 issued to **A.J. Corley, III** on October 27, 1987.

This document discloses a positioning table to orient a workpiece prior to sawing.

US 4,926,917 issued to **E. Kirbach** on May 22, 1990.

This document discloses a system and method to control the feed speed of a log into a saw according to the depth of cut through the log.

It is believed that this document has bearing on the patentability of claims 4, 8, 15, 19, 28, 39, 43 and 65 of the Kennedy et al. patent.

US 4,963,805 issued to **Suzuki et al.** on October 16, 1990

This document discloses a machine tool using smoothing curves and a recalculation of the tool path according to machine constraints.

US 4,989,155 issued to **J.D. Begin et al.** on January 29, 1991.

This document discloses a power monitor to monitor the load on a motor and to control a machine tool's operation using a computer.

It is believed that this document has bearing on the patentability of claims 3, 8, 14, 19, 28, 40, 43, 64 and 66 of the Kennedy et al. patent.

US 5,143,127 issued to **K. Rautio** on September 1, 1992.

This document discloses driven feed rolls upstream of a pair of chipping heads.

It is believed that this document has bearing on the patentability of claims 36, 37, 51, 60 and 63 of the Kennedy et al. patent.

US 5,213,020 issued to **Pleau et al.** on May 25, 1993.

This document discloses a circular saw and teaches that different feed speeds should be used for different wood species.

It is believed that this document has bearing on the patentability of claims 4, 5, 8, 15, 16, 19, 28, 29, 40, 43, 65 and 66 of the Kennedy et al. patent.

US 5,396,938 issued to R.L. **Cannaday** on Mar. 15, 1995.

This document discloses a machine having chipping heads opposite a guiding surface relative to a feed path, and guiding rolls aligned with the chipping heads. The chipping heads, the guide rolls and the guiding surface are upstream relative to a gangsaw.

It is believed that this document has bearing on the patentability of claims 20-25, 28, 29, 44-47, and 56-59 of the Kennedy et al. patent

US 5,417,263 issued to R.B. **Jorgensen** on May 23, 1995.

This document discloses a chipper disc and teaches that chip quality is related to rpm of the chipping disc and the feed speed of the log into the chipping disc.

It is believed that this document has bearing on the patentability of claims 8, 19, 28 and 43 of the Kennedy et al. patent.

US 5,418,731 issued to T.**Yoshimura** et al. on May 23, 1995.

This document discloses a machining center using smoothing and interpolating curves until the curve meets a predetermined criterion (col. 2, lines 40-45). The numerical control unit is applicable to NC machining centers. (col. 6, lines 63-64).

Not all the documents cited above have been associated with one or more specific claims of the Kennedy et al. patent. These additional documents are nonetheless submitted herewith to determine a level of ordinary skill in the art of certain aspects of the Kennedy et al. method and apparatus. In that regard,

the **Kubik** and **Gerald** publications as well as the **Suzuki et al.**, and the **Yoshimura et al.** patents are submitted herewith to show that the application of polynomials, curve fitting, curve smoothing, tool path generation, tool path recalculation, and programming with machine constraints are all subjects that are well known to engineering students and to all those working with computer-controlled machines.

Similarly, the **Maxey**, **Berry** and **Corley III** patents are submitted herewith to show that the use and structure of a positioning table capable of skewing and pre-positioning a workpiece prior to sawing is well known in the art of woodworking machines.

Further, the **Chasson**, patent is submitted to show that the guiding of a plurality of saws mounted on a same arbor to follow a computed tool path is also well known in the art.

The prior art listed above was not of record in the file of the Kennedy et al. patent. These prior art references disclose various features claimed in the Kennedy et al. patent. It is believed that should these references had been of record at the time the Kennedy et al. application was examined, all the claims of the Kennedy et al. application would have been rejected for being obvious to the person of ordinary skills in the art.

Therefore the prior art listed above is considered relevant prior art printed publication applicable to the Kennedy et al. patent.

Respectfully submitted,

A handwritten signature in black ink, reading "Mario Theriault". The signature is fluid and cursive, with the first name "Mario" and last name "Theriault" clearly distinguishable.

Mario Theriault, P.Eng.
Reg. no. 40,368
Patent Agent

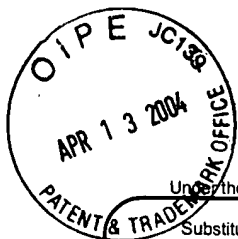
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Larson & Taylor
Transpotomac Plaza
1199 North Fairfax Street, Suite 900
Alexandria, Virginia
22314 USA



Mario Theriault, P.Eng.
Patent Agent
Reg. 40,368



PTO/SB/08A (08-03)

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Patent	5,884,682
Filing Date	Mar. 21, 1997
First Named Inventor	Joe B. Kennedy
Art Unit	3725
Examiner Name	W. Donald Bray
Attorney Docket Number	24096

Sheet one of two

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 3,736,968	06-05-1973	H.C. Mason	entire document
		US- 3,886,372	05-27-1975	B. Sanglert	entire document
		US- 3,890,509	06-17-1975	W. C. Maxey	entire document
		US- 4,086,496	04-25-1978	L.B. Berry	entire document
		US- 4,188,544	02-12-1980	L.H. Chasson	entire document
		US- 4,228,351	10-14-1980	S.G. Snow et al.	entire document
		US- 4,263,949	04-28-1981	E.M. Kivimaa	entire document
		US- 4,475,422	10-09-1984	K.T. Lawson	entire document
		US- 4,485,861	12-04-1984	P. Nilsson et al.	entire document
		US- 4,702,134	10-27-1987	A.J. Corley, III	entire document
		US- 4,926,917	05-22-1990	E. Kirbach	entire document
		US- 4,963,805	10-16-1990	Suzuki et al.	entire document
		US- 4,989,155	01-29-1991	J.D. Begin et al.	entire document
		US- 5,143,127	09-01-1992	K. Rautio	entire document
		US- 5,213,020	05-25-1993	Pleau et al.	entire document
		US- 5,396,938	05-15-1995	R.L. Cannaday	entire document
		US- 5,417,263	05-23-1995	R.B. Jorgensen	entire document
		US- 5,418,731	05-23-1995	T. Yoshimura et al.	entire document
		US-			

FOREIGN PATENT DOCUMENTS

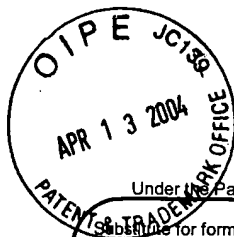
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		GB 2,068,294	02-05-1980	P. Strandberg	entire document	✓

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Patent	5,884,682
Filing Date	Mar. 21, 1997
First Named Inventor	Joe B. Kennedy
Art Unit	3725
Examiner Name	W. Donald Bray
Attorney Docket Number	24096

Sheet	two	of	two
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NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
(1)		"The Application of Piecewise Polynomials to Problems of Curve and Surface Approximation", Nr. 12, by Dr. Kurt Kubik, Published by Rijkswaterstaat Communications, Directie Waterhuishouding En Waterbeweging, The Hague, Netherlands, 1971. (A portion thereof)	
(2)		"Curve and Surface Fitting, An Introduction", by Peter Lancaster and Kestutis Salkauskas. Published by Academic Press, Toronto, 1986. (A portion thereof)	
(3)		"CAD/CAM Theory and Practice", by Ibrahim Zeid, published by McGraw-Hill, 1991. (A portion thereof)	
(4)		"Applied Numerical Analysis", fifth Edition, by Curtis F. Gerald and Patrick O., Wheatley, published by Addison-Wesley Publishing Company, Don Mills, Ontario, 1994. (A portion thereof)	
(5)		"Curve Sawing", by John Hards; an article presented in the Canada/BC Forest Resource Development Agreement, Report 102 entitled : Advances in Sawmill Technology, dated October 1989. (A portion thereof)	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180

Complete if Known

Patent	5,884,682
Filing Date	Mar. 21, 1997
First Named Inventor	Joe. B. Kennedy
Examiner Name	W. Donald Bray
Art Unit	3725
Attorney Docket No.	24096

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☒ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit
Account
Number
Deposit
Account
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The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1001	770	2001 385 Utility filing fee	
		1002	340	2002 170 Design filing fee	
		1003	530	2003 265 Plant filing fee	
		1004	770	2004 385 Reissue filing fee	
		1005	160	2005 80 Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims -20** = X =
Independent Claims -3** = X =
Multiple Dependent =

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1202	18	2202 9 Claims in excess of 20	
		1201	86	2201 43 Independent claims in excess of 3	
		1203	290	2203 145 Multiple dependent claim, if not paid	
		1204	86	2204 43 ** Reissue independent claims over original patent	
		1205	18	2205 9 ** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180.00
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 180.00

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)

Registration No.
(Attorney/Agent)

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Signature

Date

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